

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Columbia Gas Transmission Corporation
Facility Name:	Petersburg Compressor Station
Facility Location:	0.75 miles west of US Highway 460 on Route 603 Prince George, Virginia

Registration Number:	51009
Permit Number:	PRO-51009

June 22, 2004

Effective Date

June 22, 2009

Expiration Date

Director, Department of Environmental Quality

Signature Date

Table of Contents, 1 pages
Permit Conditions, 19 pages

Table of Contents

I. FACILITY INFORMATION	1
II. EMISSION UNITS	2
III. FUEL BURNING EQUIPMENT REQUIREMENTS – (UNITS 15201, 15202, 15203, 15204, 15205, AND 152G1)	3
A. LIMITATIONS	3
B. MONITORING AND PERIODIC MONITORING.....	5
C. RECORDKEEPING	6
D. REPORTING.....	6
IV. FACILITY WIDE CONDITIONS	8
A. TESTING.....	8
V. INSIGNIFICANT EMISSION UNITS	9
VI. PERMIT SHIELD & INAPPLICABLE REQUIREMENTS	10
VII. GENERAL CONDITIONS.....	11
A. FEDERAL ENFORCEABILITY	11
B. PERMIT EXPIRATION.....	11
C. RECORDKEEPING AND REPORTING	12
D. ANNUAL COMPLIANCE CERTIFICATION	13
E. PERMIT DEVIATION REPORTING	13
F. FAILURE/MALFUNCTION REPORTING	13
G. SEVERABILITY	14
H. DUTY TO COMPLY	14
I. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE	14
J. PERMIT MODIFICATION	14
K. PROPERTY RIGHTS.....	14
L. DUTY TO SUBMIT INFORMATION	14
M. DUTY TO PAY PERMIT FEES.....	14
N. FUGITIVE DUST EMISSION STANDARDS	15
O. STARTUP, SHUTDOWN, AND MALFUNCTION.....	15
P. ALTERNATIVE OPERATING SCENARIOS	15
Q. INSPECTION AND ENTRY REQUIREMENTS	15
R. REOPENING FOR CAUSE.....	16
S. PERMIT AVAILABILITY	16
T. TRANSFER OF PERMITS	16
U. MALFUNCTION AS AN AFFIRMATIVE DEFENSE	17
V. PERMIT REVOCATION OR TERMINATION FOR CAUSE	17
W. DUTY TO SUPPLEMENT OR CORRECT APPLICATION.....	18
X. STRATOSPHERIC OZONE PROTECTION	18
Y. ASBESTOS REQUIREMENTS	18
Z. ACCIDENTAL RELEASE PREVENTION	18
AA. CHANGES TO PERMITS FOR EMISSIONS TRADING.....	18
BB. EMISSIONS TRADING	18
VIII. STATE-ONLY ENFORCEABLE REQUIREMENTS.....	18

I. Facility Information

Permittee

Columbia Gas Transmission Corporation
P.O. Box 1273
Charleston, WV 25325-1273

Responsible Official

Mr. Dana M. Debaets
Manager - Field Services

Facility

Petersburg Compressor Station
0.75 miles west of US Highway 460 on Route 603
Prince George, VA

Contact Person

Mr. Gregory Lago
Environmental Health & Safety Coordinator
(304) 357-2770

County Plant Identification Number: 149-0062

Facility Description: SIC Code: 4922 - Natural Gas Transmission

Petersburg Station is a natural gas pipeline compressor station. Natural gas is received via gas pipelines from an upstream compressor station, compressed, and pumped into outlet pipelines for transmission to a downstream station. The natural gas is compressed using four reciprocating engines and one turbine. Auxiliary equipment at the facility include an emergency generator, an air compressor, and one boiler.

The facility is a Title V major source of nitrogen oxides (NO_x) and carbon monoxide. This source is located in an attainment area for all pollutants, and is a PSD major source. The facility was previously permitted under a minor NSR Permit issued on February 19, 1991 and amended on August 4, 1993.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
15201	EO1	Cooper-Bessemer GMV-6 reciprocating engine	800 hp 6,160 scf/hr	NA			2/19/91 amended on 8/4/93
15202	EO2	Cooper-Bessemer GMV-6 reciprocating engine	800 hp 6,160 scf/hr	NA			2/19/91 amended on 8/4/93
15203	EO3	Cooper-Bessemer GMV-6 reciprocating engine	800 hp 6,160 scf/hr	NA			2/19/91 amended on 8/4/93
15204	EO4	Solar Saturn T-1000 turbine	1185 hp 13,161 scf/hr	NA			2/19/91 amended on 8/4/93
15205	EO5	Waukesha L-7042 reciprocating engine	800 hp 5,840 scf/hr	Engelhard Corporation Model 40334 Catalytic Converter with a minimum control efficiency of 80%.		NOx	2/19/91 amended on 8/4/93
152G1	G1	Waukesha VSF11GSI natural gas internal combustion engine	219 hp 1,600 scf/hr	NA			2/19/91 amended on 8/4/93

*The Size/Rated capacity and PCD efficiency is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements – (Units 15201, 15202, 15203, 15204, 15205, and 152G1)

A. Limitations

1. NOx emissions from the Waukesha Model L-7042G reciprocating engine (Unit 15205) shall be controlled by a catalytic converter providing a minimum control efficiency of 80%. The catalytic converter shall be provided with adequate access for inspection. A maintenance schedule for catalytic replacement shall be submitted to the Department (Director, Piedmont Region).
(9 VAC 5-80-110 and Specific Condition 6 of 2/19/91 Permit amended 8/4/93)
2. NOx emissions from the Waukesha Model VSF11GSI reciprocating engine (Unit 152G1) shall be controlled by low NOx combustion. The engine shall be tuned for best power.
(9 VAC 5-80-110 and Specific Condition 5 of 2/19/91 Permit amended 8/4/93)
3. The approved fuel for the Petersburg Compression Station (Units 15201, 15202, 15203, 15204, 15205, and 152G1) is natural gas. A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-110 and Specific Condition 15 of 2/19/91 Permit amended 8/4/93)
4. Fuel utilized by all equipment (Units 15201, 15202, 15203, 15204, 15205, and 152G1) shall not contain sulfur in excess of 0.01 percent by weight.
(9 VAC 5-80-110 and Specific Condition 7 of 2/19/91 Permit amended 8/4/93)
5. The equipment listed below shall consume no more than the amounts listed below of natural gas on an annual basis, calculated as the sum of each consecutive twelve (12) month period:

Unit Id	Make and Model	Annual Throughput (scf/yr)
15201	Cooper Bessemer GMV-6-THF	54,000,000
15202	Cooper Bessemer GMV-6-THF	54,000,000
15203	Cooper Bessemer GMV-6-THF	54,000,000
15204	Solar Saturn T-1000	115,000,000
15205	Waukesha L-7042	51,000,000
152G1	Waukesha VSF11GSI	14,000,000

(9 VAC 5-80-110 and Specific Condition 8 of 2/19/91 Permit amended 8/4/93)

6. Emissions from the operation of the each engine (Units 15201, 15202, 15203, 15204, 15205, and 152G1) shall not exceed the limits specified below:

Make and Model		SO ₂		NO _x			CO		VOC	
		lbs/hr	tpy	ppmvd@15 % O ₂ & ISO ambient conditions	lbs/hr	tpy	lbs/hr	tpy	lbs/hr	tpy
15201	Cooper Bessemer GMV-6-THF	---	---	---	19.4	85.0	2.5	10.8	0.7	3.1
15202	Cooper Bessemer GMV-6-THF	---	---	---	19.4	85.0	2.5	10.8	0.7	3.1
15203	Cooper-Bessemer GMV-6 THF	---	---	---	19.4	85.0	2.5	10.8	0.7	3.1
15204	Solar Saturn T-1000	0.1	0.5	73.7	4.0	17.4	6.9	30.2	2.5	10.8
15205	Waukesha L-7042	---	---	---	3.5	15.5	5.3	23.2	0.9	3.9
152G1	Waukesha VSF11GSI	---	---	---	3.9	16.9	14.7	64.5	0.1	0.4

These emissions are derived from the estimated overall emission contribution and are included for emission inventory purposes. Compliance shall be determined as stated in Condition III.A. 5.

(9 VAC 5-80-110 and Specific Condition 9, 10, 11, and 12 of 2/19/91 Permit amended 8/4/93)

7. Visible Emissions from natural gas-fired engines (Units 15201, 15202, 15203, 15204, 15205, and 152G1) shall not exceed 5 percent opacity as determined by EPA Reference Method 9. (9 VAC 5-50-260, 9 VAC 5-80-110 and Specific Condition 13 of 2/19/91 Permit amended 8/4/93)
8. Minimum stack heights above grade for each natural gas engine (Units 15201, 15202, 15203, 15204, 15205, and 152G1) shall be as follows:

Unit Id	Make and Model	Minimum Stack Height
15201	Cooper Bessemer GMV-6-THF	35 feet
15202	Cooper Bessemer GMV-6-THF	35 feet
15203	Cooper Bessemer GMV-6-THF	35 feet
15204	Solar Saturn T-1000	30 feet
15205	Waukesha L-7042	20 feet
152G1	Waukesha VSF11GSI	35 feet

(9 VAC 5-80-110 and Specific Condition 16 of 2/19/91 Permit amended 8/4/93)

9. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the units. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ. (9 VAC 5-80-110)

B. Monitoring and Periodic Monitoring

1. Fuel monitoring of the sulfur content shall be conducted as follows:
 - a. Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels, or an approved alternative method. The reference methods are: ASTM D1072-80; ASTM D3031-81; ASTM D3246-81; and ASTM D4084-82 as referenced in 40 CFR 60.335(b)(2);
 - b. Sulfur monitoring shall be conducted semi-annually; and
 - c. Records of sample analysis and fuel supply pertinent to this monitoring schedule shall be retained for a period of five years, and shall be available for inspection by the DEQ.

(9 VAC 5-80-110 and Specific Condition 18 of 2/19/91 Permit amended 8/4/93)

2. The facility shall install, calibrate, maintain, and operate, according to manufacturer's specifications, a monitoring device that continuously indicates the gas temperature both upstream and downstream of the catalyst bed in the catalytic converter controlling the Waukesha L-7042 reciprocating engine (Unit 15205). The temperature monitoring device shall have an accuracy within ± 1 percent of the temperature being measured in degrees Fahrenheit. Data from the temperature monitors shall be recorded once per week. The continuous temperature monitors shall be calibrated annually and the results of the calibrations recorded.

(9 VAC 5-80-110 and General Condition 5 of 2/19/91 Permit amended 8/4/93)

C. Recordkeeping

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Piedmont Regional Director. These records shall include, but are not limited to:
 - a. Hours of operation of each engine (Units 15201, 15202, 15203, 15204, 15205, and 152G1);
 - b. The annual fuel throughput of natural gas (in million cubic feet) to each engine (Units 15201, 15202, 15203, 15204, 15205, and 152G1). The annual throughput shall be calculated as the sum of each consecutive twelve (12) month period;
 - c. Fuel sulfur analyses;
 - d. The inlet and outlet temperature of the catalytic converter bed recorded weekly while the catalytic converter is in use;
 - e. All measurements where the temperature differential is less than 80% of the temperature differential demonstrated during the most recent performance test that demonstrated compliance;
 - f. The total number of times and the length of each occurrence where the catalytic converter was by-passed or shutdown or when data was not otherwise available;
 - g. Results of catalyst activity tests and all catalyst replacements;
 - h. Records of malfunctions of equipment which would cause a violation of any part of this permit;
 - i. Operating procedures, maintenance schedules, and service records for all air pollution control-related equipment;
 - j. The DEQ approved, pollutant specific emission factors and the equations used to demonstrate compliance with the emission limitations contained in Condition III.A.6.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five- (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Specific Condition 17 of 2/19/91 Permit amended 8/4/93)

D. Reporting

1. Should any sulfur analysis as required in condition III.B.1. of this permit indicate noncompliance, the owner or operator shall notify the Director, Piedmont Region of such excess emissions and the monitoring schedule shall be re-examined by the DEQ. Sulfur monitoring shall be conducted weekly during the interim period when this monitoring schedule is being re-examined.

(9 VAC 5-170-160, 9 VAC 5-80-110 and Specific Condition 18 of 2/19/91 Permit amended on 8/4/93)

2. If there is a change in fuel supply, the owner or operator must notify the Director, Piedmont Regional Office of such change for re-examination of the monitoring schedule. A substantial change in fuel quality shall be considered as a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when the monitoring schedule is being examined.

(9 VAC 5-170-160, 9 VAC 5-80-110 and Specific Condition 18 of 2/19/91 Permit amended on 8/4/93)

3. The permittee shall maintain records and submit semi-annual reports to the Director, Piedmont Regional Office documenting, for the catalytic converter, all weekly measurements for which the temperature difference across the catalyst bed is less than 80 percent of the temperature difference during the most recent performance test that demonstrated compliance.

(9 VAC 5-80-110 and 5 and 9 VAC 5-50-50)

IV. Facility Wide Conditions

A. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-40-30, 9 VAC 5-50-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO _x	EPA Method 7
SO ₂	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
152A1	Air Compressor, natural gas fired	9 VAC 5-80-720 B.1.	NOx, CO, VOC, SO2, PM10, formaldehyde	20 hp
BLR1	Boiler #1, natural gas fired, heating system boiler	9 VAC 5-80-720 C.2.	NOx, CO, VOC, SO2, PM10	1.0 MMBtu/hr
A06	Used Compressor Oil Tank	9 VAC 5-80-720 C.3.	VOC	550 gallons
A07	Used Motor Oil Tank	9 VAC 5-80-720 C.3.	VOC	300 gallons
A08	Lube Oil Tank	9 VAC 5-80-720 C.3.	VOC	550 gallons
A09	Pipeline Liquids Tank	9 VAC 5-80-720 B.2.	VOC	300 gallons
A10	Pipeline Liquids Tank	9 VAC 5-80-720 B.2.	VOC	2,000 gallons
FUG	Fugitive Emissions (Equipment leaks and blowdowns)	9 VAC 5-80-720 B.2.	VOC	NA

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
none		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

(1) Exceedance of emissions limitations or operational restrictions;

(2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Piedmont Region within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VII.C.3. of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Piedmont Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or

malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Piedmont Region.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall

be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

VIII. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its

applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. None

(9 VAC 5-80-110 N and 9 VAC 5-80-300)